



FOR IMMEDIATE RELEASE  
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*Office of the United States Attorney  
District of Arizona*

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## **IOWA MAN CHARGED WITH MAKING AN INTERSTATE THREAT**

TUCSON -- On November 30, 2005, a federal grand jury in Tucson, Ariz returned a one count indictment against David Allen Softly, age 42, of Indianol, Iowa, for a violation of 18 U.S.C. § 875(c), for making a threat in interstate commerce during the month of October 2005.

The indictment alleges that the defendant made a telephonic threat from the State of Iowa to United States Border Patrol Agent George Allen in Tucson, Arizona. On November 1, 2005, the defendant was arrested at a Border Patrol Station in Tucson, Arizona, and he remains in custody.

A conviction for violation of 18 U.S.C. § 875(c), interstate communications threat, carries a maximum penalty of five years, a \$ 250,000 fine, or both. In determining the actual sentence, the judge will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. The judge, however, is not bound by those guidelines in determining a sentence.

An indictment is simply the method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

The investigation preceding the indictment was conducted the FBI. The prosecution is being handled by David Paul Flannigan, Assistant U.S. Attorney, District of Arizona, Tucson, Ariz.

CASE NUMBER: CR-05-2239  
RELEASE NUMBER: 2005-206(Softly)

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